## UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF FLORIDA JACKSONVILLE DIVISION

IN RE:	) CASE NO.: 3:14-bk-00024-JAF
	CHAPTER 13
PETER G. HANEY and,	)
EVA MARIE HANEY,	)
Debtors	

#### **AMENDED CHAPTER 13 PLAN**

The Debtors submits the following Amended Chapter 13 Plan:

- 1. The future earnings of the Debtors are submitted to the control and supervision of the Trustee, and the Debtors shall pay to the Trustee the sum \$1,160.45 per month in months ONE (1) through SEVEN (7); and \$3,272.56 per month in months EIGHT (8) through SIXTY (60) for a total Plan period of sixty (60) months.
- 2. From the payments so received, the Trustee shall make disbursements as follows:

#### A. **PRIORITY CLAIMS**

- (1) The fees and expenses of the Trustee shall be paid over the life of the plan at the rate of ten percent (10%) of the amount of all payments under the plan.
- The Debtors owe **\$4,000.00** in unpaid attorney's fees. The Trustee shall pay the order of Parker & DuFresne, P.A. **\$500.00** per month in the month's one (1) through eight (8) until paid in full.

### B. <u>SECURED CLAIMS</u>

- (1) **CITIMORTGAGE** holds a first mortgage on the Debtors' homestead property located at 85104 Blackmon Road, Yulee, FL 32097. The Debtors have been denied a mortgage modification. Trustee shall make the regular monthly payment of \$1,447.82 beginning in month eight (8) through sixty (60). The regular monthly payment shall not be changed without Order of the Court. The Debtors are currently in post-petition arrears in the amount of \$10,134.74. The Trustee shall pay this arrearage in the amount of \$500.00 in month nine (9) through twenty-eight (28); and \$134.74 in month twenty-nine (29), until paid in full.
- (2) **REGIONS BANK** holds a second mortgage on the Debtors' homestead property. The Debtors have filed an adversary proceeding against this creditor to value its lien against the homestead property at \$0.00. The Trustee shall make no payments to this creditor.
- (3) NASSAU COUNTY TAX COLLECTOR holds a security interest in the Debtors' real property located at 85822 Wilson Neck Road, Yulee, FL in the amount of \$2,951.20 for unpaid property taxes. The Trustee shall pay this secured claim in the amount of \$3,020.46 with monthly payments of \$365.26 per month in month twenty-nine (29); \$500.00 per month in month thirty (30) through thirty-four (34); and \$155.20 per month in month thirty-five (35) until paid in full. This payment includes interest at the rate of 8%.
- (4) **SUMMIT FINANCIAL GROUP** holds a perfected lien on the Debtors' 2013 Nissan Rogue in the amount of \$23,620.45. The Trustee shall pay this secured claim at the current contract rate of \$544.40 per month in months one (1) through sixty (60). This

includes the contract terms and interest rate. Any remaining balance due after discharge of the Debtor's Chapter 13 bankruptcy will be paid direct to the creditor per the contract terms, until paid in full. This claim is not subject to discharge.

- C. <u>UNSECURED CLAIMS</u> Unsecured creditors, including those secured creditors who have deficiency claims or whose liens have been avoided and who timely file proofs of claim shall receive distribution pro-rata. The Trustee shall distribute pro-rata among those unsecured creditors whose claims are filed and allowed any funds remaining after paying priority and secured claims a total of \$36,858.04 with monthly payments of \$453.08 per month in months eight (8) through thirty-four (34); \$797.88 in month thirty-five (35); and \$953.08 per month in months thirty-six (36) through sixty (60). Any claims filed after the proof of claims deadline shall receive no distribution under this plan unless specifically provided for above.
- 3. **EXECUTORY CONTRACTS** The Debtors **do not reject** any executory contracts.
- 4. <u>VESTING</u> Title to all property of the estate shall revest in the Debtors upon confirmation of this plan.
- 5. **RETENTION OF LIEN** Secured creditors shall retain their liens until the allowed secured claim is paid in full.
- 6. **INSURANCE** Debtors shall keep the collateral which secures any debt paid under this plan insured as provided for in the agreement between the Debtors and creditor.
- 7. **CONFIRMATION OF THE PLAN** shall impose an affirmative duty on the holders and/or servicers of any claims secured by liens, mortgages, and/or deeds of trust on the principal residence of the Debtors to do all of the following:
  - A. To apply the payments received from the Trustee on the prepetition arrearages, if any, only to such arrearages. For purposes of this Plan the "prepetition" arrears shall include all sums included in the "allowed" proof of claim and shall have a "0" balance upon entry of the Discharge Order in this case.
  - B. To deem the prepetition arrearages as contractually current upon confirmation of the plan, thereby precluding the imposition of late payment charges or other default-related fees and services based solely on the prepetition default or defaults.
  - C. To apply the direct post-petition monthly mortgage payments paid by the Trustee or by the Debtors to the month in which each payment was designated to be made under the plan or directly by the Debtors, whether or not such payments are immediately applied by the creditor to the outstanding loan balance or are placed into some type of suspense, forbearance, or similar account.
  - D. Any post-petition costs or expenses incurred by or on behalf of any secured creditor will be discharged upon the Debtors' completion of the Plan, unless specifically provided for in the Confirmation Order, or by further order of the Court on motion filed prior to completion of the Plan.

**DATED** August 19, 2014.

PARKER & DUFRESNE, P.A.

/s/ E. Warren Parker, Jr.
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# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the Debtors Amended Chapter 13 Plan has been furnished to all creditors and parties in interest as per the attached creditor matrix by electronic transmission, facsimile transmission and/or U.S. Mail, Postage prepaid on August 19, 2014.

/s/E. Warren Parker, Jr.
Attorney